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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,050	12/10/2003	Brack E. Smith	AD#-154	7821

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EXAMINER

LUU, TUYET PHUONG PHAM

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,050

Applicant(s)

SMITH, BRACK E.

Examiner

Teri P. Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,403,412 to Gottfried et al. in view of U.S. Patent Publication No. 2003/0126680 to Stephen.

Gottfried et al. discloses a crib comprising at least two end supports (1, 2), a central bed (not shown) extending between the two end supports and two side frame members (14, 15) for restraining an infant wherein one (14) of the side frame members has at least one access door (41) which pivots out of the way. Gottfried et al. fails to teach the crib being wheelchair accessible such that the two end supports are spaced by a width greater than the maximum width of the wheelchair and the central bed extending between the two end supports have a lowermost extent which exceeds the seat height of the wheelchair by an amount sufficient to accommodate a lap of the care giver.

Stephen discloses an elevated infant crib designed for wheelchair access. The crib comprises at least two end supports (15, 15') spaced by a width greater than the maximum width of the wheelchair and a central bed (11) extending between the two end supports have a lowermost extent which exceeds the seat height of the wheelchair by an amount sufficient to accommodate a lap of the care giver. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the crib of Gottfried by spacing the end

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support a width greater than the maximum width of the wheelchair and the providing the central bed extending between the two end supports with a lowermost extent which exceeds the seat height of the wheelchair by an amount sufficient to accommodate a lap of the care giver so as to be wheelchair accessible, as taught by Stephen.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gottfried et al. in view of Stephen as applied to claim 1 above, and further in view of U.S. Patent No. 5,553,352 to Bolton.

Gottfried, as modified, discloses the claimed invention except for the access door comprising at least one bi-fold door. Bifold doors are well known in the door art and Bolton discloses, in col. 1, lines 4-8, that "bifold doors ... take less space than a traditional "swing" door". Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the swing door of Gottfried with a bi-fold door so as to provide a door which requires less space. Thus, a wheelchair-bound care giver is not required to back away from the crib to permit the door to clear.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gottfried et al. in view of Stephen and Bolton as applied to claim 2 above, and further in view of U.S. Patent No. 4,295,514 to Johnson.

Gottfried, as modified, fails to disclose a pair of bifold doors. Johnson discloses, in Fig. 1, an access door comprising a pair of bi-fold doors. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the fixed door (42) and the pivoting door (41) of Gottfried with a pair of bi-fold doors so as to provide greater access opening to the infant.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gottfried et al. in view of Stephen and Bolton as applied to claim 3 above, and further in view of U.S. Patent No. 2,555,160 to Schwarz.

Although Gottfried discloses the access door having a latch means for securing the door in a closed position, Gottfried, as modified, fails to disclose latch means securing a pair of doors in closed position pending actuation by the care giver. Schwarz discloses a crib comprising a pair of access doors (28). The doors are provided with latch means (32, 36) for holding the doors in closed position pending actuation by the care giver.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bifold doors with latch means so as to securely retain the doors in a closed position.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Teri Pham Luu** whose telephone number is **(703) 305-7421**. The examiner can be best reached Monday-Friday from 6:30 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Heather Shackelford**, can be reached at **(703) 308-2978**.

Submission of your response by facsimile transmission is encouraged. Technology Center 3600's facsimile number for all official papers is **(703) 872-9306**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's

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mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the
Patent and Trademark Office (Fax No. _____) on (Date) _____

(Typed or printed name of person signing this certificate)

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be directed to **heather.shackelford@uspto.gov**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed expressed waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TERI PHAM LUU
PRIMARY EXAMINER

tpl
June 7, 2004